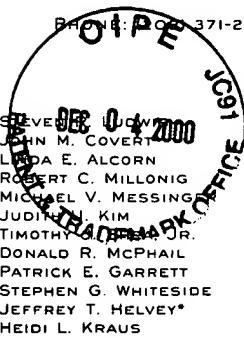


STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • [www.skgf.com](http://www.skgf.com)



ROBERT GREENE STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX  
DAVID K.S. CORNWELL  
ROBERT W. EDMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
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ERIC K. STEFFE  
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JEFFREY T. HELVEY\*  
HEIDI L. KRAUS

JEFFREY R. KURIN  
RAYMOND MILLIEN  
PATRICK D. O'BRIEN  
LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES  
EDWARD W. YEE  
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DONALD R. BANOWIT  
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DONALD J. FEATHERSTONE  
GRANT E. REED  
VINCENT L. CAPUANO  
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NANCY J. LEITH\*\*  
ELIZABETH J. HAANES\*\*  
MARK P. TERRY\*\*  
TARJA H. NAUKKARINEN\*\*

\*BAR OTHER THAN D.C.

\*\*REGISTERED PATENT AGENTS

December 4, 2000



WRITER'S DIRECT NUMBER:

(202) 371-2643

INTERNET ADDRESS:

[AFERRO@SKGF.COM](mailto:AFERRO@SKGF.COM)

Commissioner for Patents  
Washington, D.C. 20231

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DEC 05 2000

OFFICE OF PETITIONS

Attn: Box DAC

Re: U.S. Utility Patent Application  
Appl. No. 09/236,113; Filed: January 25, 1999  
For: **Cathode Arc Source and Graphite Target**  
Inventors: Shi *et al.*  
Our Ref: 1581.0250001/DKSC/ALF

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form PTO/SB/17 (*in duplicate*);
2. Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a);
3. A copy of the Combined Declaration for Patent Application and Power of Attorney (original previously submitted on Sept. 13, 1999);
4. A Second Declaration of George W. Schlich Under M.P.E.P. § 409.03(d) with Exhibits A-F attached thereto;
5. A copy of the first Declaration of George W. Schlich Under M.P.E.P. § 409.03(d) (original previously submitted on Sept. 13, 1999);
6. A copy of the Declaration of Dr. Xu Shi Under M.P.E.P. § 409.03(d) (original previously submitted on Sept. 13, 1999);
7. Our Check No. 29672 for \$130.00 to cover Petition fee; and
8. One return postcard.

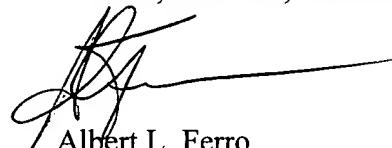
Commissioner for Patents  
December 4, 2000  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Albert L. Ferro  
Attorney for Applicant  
Registration No. 44,679

Enclosures

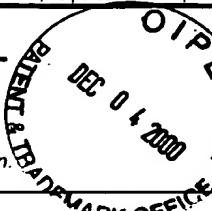
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SKGF Rev. 4/27/00 mac

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)



Complete if Known

Application Number	09/236,113
Filing Date	January 25, 1999
First Named Inventor	Xu Shi
Examiner Name	To be assigned
Group Art Unit	1753
Attorney Docket No.	1581.0250001/DKSC/ALF

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## FEE CALCULATION (continued)

DEC 05 2000

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355 Utility filing fee
106	320	206	160 Design filing fee
107	490	207	245 Plant filing fee
108	710	208	355 Reissue filing fee
114	150	214	75 Provisional filing fee

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims	- 20** =	X =
Indep. Claims	- 3** =	X =
Multiple Dependent		=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim
108	80	209 40 **Reissue independent claims over original patent
110	18	210 9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\* or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES  
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify):					
Other fee (specify):					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

Complete (if applicable)

Name (Print/Type)	Albert L. Ferro	Registration No. (Attorney/Agent)	44,679	Telephone	202-371-2600
Signature				Date	Dec. 4, 2000

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Petition-SB17



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#7

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shi *et al.*

Appl. No.: 09/236,113

Filed: January 25, 1999

For: **Cathode Arc Source and Graphite Target**

Art Unit: 1753

Examiner: To Be Assigned

Atty Docket: 1581.0250001/LEA/ALF

**Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents  
Box DAC  
Washington, DC 20231

Sir:

In accordance with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a),

Applicants have filed herewith the following documents:

Adjustment date: 05/09/2001 LGIBBS  
12/05/2000 SLUANG1 00000053 09236113 Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a);  
01 FC:122 130.00 OP  
Repln. Ref: 05/09/2001 LGIBBS 0014401800  
DA#190036 Name/Number:09236113 \$130.00 CR A Copy of the Combined Declaration for Patent Application and Power of  
FC: 704

Attorney (original previously submitted on September 13, 1999);

- (3) Copy of a second Declaration of George W. Schlich under M.P.E.P § 409.03(d);
- (4) Copy of Declaration of Dr. Xu Shi under M.P.E.P. § 409.03(d) (original previously submitted on September 13, 1999);
- (5) Declaration of George W. Schlich under M.P.E.P. § 409.03(d) (original previously submitted on September 13, 1999);
- (6) Copy of SKGF Check No. 29672 in the amount of \$130.00 to cover the petition fee as set forth in 37 C.F.R. § 1.17(i).

12/05/2000 SLUANG1 00000053 09236113

01 FC:122

130. OP

Applicants request reconsideration of this petition under 37 C.F.R. § 1.47(a) in response to the decision on the first petition dated October 3, 2000. Because the second Declaration of George W. Schlich, submitted with this request for reconsideration, provides the necessary factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, Applicants respectfully request that this second petition be granted.

In the Combined Declaration for Patent Application and Power of Attorney, all of the signing inventors have made the required declarations under 37 C.F.R. 1.47(a) on their own behalf, and on behalf of the non-signing inventor, David Flynn. The Combined declaration and Power of Attorney includes the last known address at which Mr. Flynn customarily receives mail, as required by M.P.E.P. § 409.03(e).

The second Declaration of George W. Schlich (the "Second Schlich Declaration") demonstrates that a bona fide attempt was made to provide the missing joint inventor, namely Mr. David Flynn, with a complete set of application papers (specification, including claims, drawings, and an oath or declaration) for signature. As detailed in the Second Schlich Declaration, Mr. Flynn was sent a complete set of application papers pertaining to the above-reference patent application, giving Mr. Flynn the opportunity to join in the application. Second Schlich Declaration, ¶ 6. Despite this opportunity, Mr. Flynn has not responded. Second Schlich Declaration, ¶ 7. Thus, the Second Schlich Declaration provides the necessary evidence of a bona fide attempt to obtain the signature of the missing joint inventor on the patent application.

In addition to the Second Schlich Declaration, Applicants submit several other documents to provide further evidence that a bona fide attempt has been made to join the missing inventor in the above-referenced patent application.

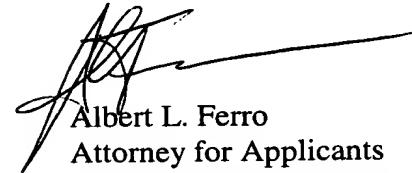
The Declaration of Dr. Shi Xu and the first Declaration of George W. Schlich under M.P.E.P. § 409.03(d) ("the Xu declaration" and "the First Schlich declaration") provide proof of the pertinent facts regarding the refusal of Mr. Flynn to join in the application. Paragraphs 1-5 of the First Schlich Declaration are identical to paragraphs 1-5 of the Second Schlich Declaration. As detailed in the Schlich declarations, Mr. Flynn was requested, by letter, to sign the documents relating to the above-referenced application on several occasions. Schlich Declarations, ¶¶ 2-5. Mr. Flynn telephoned Mr. Schlich's firm on May 13, 1999 and informed them that he was not going to sign the documents. Schlich Declarations, ¶ 2. Mr. Flynn advised Mr. Schlich's firm that he was not signing the documents until potential compensation issues were resolved. Schlich Declarations, ¶ 2. Continued attempts to contact Mr. Flynn to have him sign the documents were unsuccessful. Schlich Declarations, ¶ 3-5. On August 4, 1999, Mr. Flynn was again sent the documents for his signature. Schlich Declarations, ¶ 4. Mr. Flynn also refused to sign the documents on September 6, 1999. Schlich Declarations, ¶ 5.

Applicants respectfully submit that the documents and fees filed herewith satisfy all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a), (d), and (e). Accordingly, Applicants respectfully request that the above-referenced application is accepted, and that a filing receipt is issued in accordance with M.P.E.P. § 409.03(h).

The U.S. Patent and Trademark Office is authorized to charge any deficiency in fees to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Albert L. Ferro  
Attorney for Applicants  
Registration No. 44,679

Date: December 4, 2000

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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